

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Unassigned
HIDEKI YOSHINAGA, ET AL.)	
	:	Group Art Unit: 2821
Application No.: 10/553,038)	
	:	Confirmation No.: 6783
Filed: October 11, 2005)	
	:	
For: DISPLAY APPARATUS)	March 14, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.181 OR
CONDITIONALLY UNDER 37 C.F.R. §1.137(a) AND
M.P.E.P. §711.03(c) TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

Applicants hereby petition the Commissioner to restore pending status to the above-identified abandoned application. This Petition is accompanied by:

1. A Declaration Under M.P.E.P. §711.02 of Scott D. Malpede; and
- 2) A Declaration Under M.P.E.P. §711.02 of Mark Chanderdatt, together with an exhibit of docketing records concerning due dates for Patent Office filings for the relevant periods in the above-identified application.

FACTS

On January 29, 2008, the undersigned law firm received a Notice of Abandonment mailed January 22, 2008, regarding the above-identified application. The Notice stated that the application is abandoned because a response to a Notification of Missing Requirements Under 35 U.S.C. 371 (Notification) mailed August 31, 2006, has not been filed. However, Applicants never received such a Notification in the above-identified application, as evidenced by the attached Declarations of Scott D. Malpede and Mark Chanderdatt, and therefore were not aware of any requirement to file a response to the Notification.

REQUEST

Accordingly, the Commissioner is hereby requested to revive this application by withdrawing the Notice of Abandonment mailed January 22, 2008, to remail the Notification and to re-set period for response thereunder.

FEE

The Commissioner is hereby authorized to charge Deposit Account No. 06-1205 for any petition fee which may be due. However, since Applicants believe that the abandonment occurred through no fault of their own, no fee should be due.

Appln. No.: 10/553,038

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicants
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

SDM/vnm

FCBS_WS 1953134v1

00684.102862

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Unassigned
HIDEKI YOSHINAGA, ET AL.)	
	:	Group Art Unit: 2821
Application No.: 10/553,038)	
	:	Confirmation No.: 6783
Filed: October 11, 2005)	
	:	
For: DISPLAY APPARATUS)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER M.P.E.P. §711.02

Sir:

I, Scott D. Malpede, declare and say that:

1. I am a partner in the law firm of Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112, and am an attorney of record in the above-identified application. I am the attorney in the law firm who is primarily responsible for the prosecution of the subject patent application.

2. On January 29, 2008, a Notice of Abandonment dated January 22, 2008, was received by the law firm in the above-identified application. The Notice of Abandonment indicated that a reply has not been received in response to a Notification of Missing Requirements Under 35 U.S.C. 371 (Notification) mailed August 31, 2006.

Appln. No.: 10/553,038

However, after reviewing the pertinent records, including the entire file of the subject application, and the Declaration of March Chanderdatt dated March 7, 2008, and the attached exhibit thereto, I have concluded that the law firm never received the Notification in the above-identified application.

Date: March 14, 2008

Scott D. Malpede
Scott D. Malpede

00684.102862

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Unassigned
HIDEKI YOSHINAGA, ET AL.)	
	:	Group Art Unit: 2821
Application No.: 10/553,038)	
	:	Confirmation No.: 6783
Filed: October 11, 2005)	
	:	
For: DISPLAY APPARATUS)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER M.P.E.P. §711.02

Sir:

I, Mark Chanderdatt, declare and say that:

1. I am employed by Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112 as a docket clerk professional. My responsibilities include docketing the receipt of documents from the U.S. Patent and Trademark Office (PTO), and maintaining records of such documents and records of periods of response thereunder.
2. All communications from the PTO are directed to me immediately upon receipt within the firm.
3. Each and every communication I receive from the PTO is logged into a Day Book Report on the day it is received, along with a due date for responding to the communication. I have reviewed the entries in the Day Book Report concerning the period from

August 31, 2006, through September 30, 2006. Those entries do not include an entry indicating receipt of a Notification of Missing Requirements Under 37 U.S.C. §371 (Notification) or any other PTO paper concerning the above-identified application. Accordingly, I conclude that no Notification dated August 31, 2006, was received for the subject application.

4. In addition to my responsibilities, as stated above, for maintaining records of documents received from the PTO, I also calculate and record in a Docket Book the date upon which responses to such PTO communications are due. The response due date to a August 31, 2006, Notification would have been October 31, 2006. The entries in the Docket Book on that date do not indicate that any response to a August 31, 2006, Notification in the above-identified application was due.

5. In addition to the above procedures and practices, I also maintain a computerized Master Docket in which is recorded the due date upon which a response to such PTO communication is due. The entries in the Master Docket on that date do not indicate that any response to a August 31, 2006, Notification in the above-identified application was due. A copy of a computer printout of the Master Docket is attached hereto as Exhibit A showing the last three digits of each application number having a due date on October 31, 2006. Again, Exhibit A does not refer to the above-identified application.

6. Further to the above procedures and practices, I also maintain a computerized file for each application which summarizes all of Applicant's filings and PTO communications. The computerized file of the subject application shows no indication of a Notification being received.

7. Accordingly, from a review of all of the above-referenced records, it is my belief that the firm never received the Notification.

Date:

March 7, 2008

Mark Chanderdatt
Mark Chanderdatt

MASTER DOCKET - From 102506 to 111406

Due Date	Docket Number	Attorney	Action	Application No
----------	---------------	----------	--------	----------------

10/31/2006	00684.134817	Filed by epi	mu cas on 10/25/06	Application convention deadline
Remarks		Zupcic, Anthony M.		

10/31/2006	00862.121097.	Zupcic, Anthony M.	Convention Deadline - 1 Week Reminder	
Remarks				

10/31/2006	00862.134988	Filed by epi	mu cas on 10/31/06	Application convention deadline
Remarks		Zupcic, Anthony M.		

10/31/2006	02910.120954.	Zupcic, Anthony M.	Convention Deadline - 1 Week Reminder	
Remarks				

10/31/2006	03500.125005.	Zupcic, Anthony M.	Convention Deadline - 1 Week Reminder	
Remarks				

10/31/2006	03500.14117	Filed by epi	mu cas on 10/27/06	Client's filing deadline
Remarks		Zupcic, Anthony M.		

10/31/2006	03503.001758.	Zupcic, Anthony M.	Allow Future Next Renewal Dates	549
Remarks		Country of Origin - JAPAN Last Update - 06-18-2004		

Due Date	Docket Number	Attorney	Action	Application No
10/31/2006	01762-012000	Warner, Steven B.	Foreign-filing-convention-deadline	668

10/31/2006 00862-123641 Weaver, Gregory S. Drawings Correction Due 694

Remarks ##BLK to electronically file##;

~~10/31/2006 00862-123641 Weaver, Gregory S. 3 month Office Action initial deadline 694~~
Amended + police Dugs by SES pr GSW/MAK on 10/31/06

~~10/31/2006 02500-015009-3 Weaver, Gregory S. 3 month Office Action initial deadline 234~~
Amended by SES pr GSW/MAK on 10/31/06

~~10/31/2006 03292-101120 Yu-Jahnes, Lock See Foreign-filing-deadline 2-Week-Reminder 602~~
Reminded

10/31/2006	03500.001635.4	Yu-Jahnes, Lock See	Expiry calculation 2	618
Remarks	(35.C1635C/D/C2) Country of Origin - JAPAN Last Update - 06-25-2004			

10/31/2006	03500.004738.	Yu-Jahnes, Lock See	Expiry date	215
Remarks	Country of Origin - JAPAN Last Update - 10-07-2004			

10/31/2006	03500.004929.2	Yu-Jahnes, Lock See	Expiry calculation 2	425
Remarks	Country of Origin - JAPAN Last Update - 10-20-2004			

Div by SES in SPK on 10/31/05
~~10/31/06 03500.016782 L575 File 153(b) Divinced 10/20/06~~

MASTER DOCKET - From 102506 to 111406

Due Date	Docket Number	Attorney	Action	Application No
10/31/2006	03500.001277.5	Reda, Jennifer A.	Expiry calculation 2	56
Remarks	(35.C1277 C2/D3):REISSUE FILED:RHF/AFC/PAM Country of Origin - JAPAN LastUpdate - 06-07-2004			
10/31/2006	03500.003576.2	Reda, Jennifer A.	Expiry calculation 2	134
Remarks	Country of Origin - JAPAN LastUpdate - 08-03-2004			
10/31/2006	03500.005202.1	Reda, Jennifer A.	Expiry calculation 2	397
Remarks	Country of Origin - JAPAN LastUpdate - 10-20-2004			
10/21/2006	00684.003000.1	Stahl, Lawrence A.	Advisory with 2-month extension	500
Remarks	IPT 092906 - Upload docs;			
10/21/2006	00684.00176	Stahl, Lawrence A.	3-month Office Action initial deadline	705
Remarks	file with 14 related applications; IPT 120705 - Letter re: OFR; IPT 050206 - Reupload docs;			
10/21/2006	00684.109141	Stahl, Lawrence A.	FINAL 3-month Office Action initial deadline	835
Remarks	file with 14 related applications; 2nd Recordation recorded 4/28/06, 018264/0542;			
10/21/2006	01297.058000.1	Stahl, Lawrence A.	Client's filing deadline	
Remarks	EXT to 11/30/06 pm UT m 10/31/05			
10/21/2006	01297.059000.1	Stahl, Lawrence A.	Client's filing deadline	
Remarks	EXT to 11/30/05 pm UT m 10/31/05			
10/31/2006	01297.012037.5	Stahl, Lawrence A.	Client's filing deadline	
Remarks	EXT pm LMS / Tan m 10/31/05			

Handwritten signature

Due Date	Docket Number	Attorney	Action	Application No
10/31/2006	02496.401101.PC	Oliver, Justin J.	DMND CH II	802
Remarks	(JIO)	Country of Origin - USA LastUpdate - 04-22-2005		
10/31/2006	02496.401101.PC	Oliver, Justin J.	DMND CH II	802
Remarks	(JIO)	Country of Origin - USA LastUpdate - 04-22-2005		
10/31/2006	02496.401101.PC	Oliver, Justin J.	DMND CH II	802
Remarks	(JIO)	Country of Origin - USA LastUpdate - 04-22-2005		
10/31/2006	03066.000100.3	Olsen, Warren F.	Remind	526
Remarks				
10/31/2006	01735.0000D5.	O'Neill, Michael K.	Allow Future Next Renewal Dates	758
Remarks		formerly belonged to MJJ (31-May-2006)		
		REMINDER: FOREIGN FILING DUE BEFORE 113094 Country of Origin - USA LastUpdate - 02-13-2005		
10/31/2006	03500.010521.2	Pasley, Douglas W.	Appeal Brief due - 2 month extension	670
Remarks	1.53B DIV (35.C10521RE/D); IPT 042506/051906 - Send Comments; IPT 052606/082806 - Resend Copy of Docs; IPT 083106 - File Appeal Brief;			
10/31/2006	02544.002090.	Razzano, Pasquale A.	Priority documents still required	234
Remarks	FAX 033006 - Letter re: Claims; decl w/ surcharge due; Clilet 041006 - decl/classign;			

MASTER DOCKET - From 102506 to 111406

Due Date	Docket Number	Attorney	Action	Application No
10/31/2006	03500-017110	Kleek, Brian L	3 month Office Action initial deadline	767 1031
Remarks	FD & IDS RECD W/APPLN;			
10/31/2006	03500-016101	Kmetz, Edward A	FINAL 3 month Office Action initial deadline	823
Remarks	FLOPPY RECD W/APPLN; IPT 092706 - IDS; IPT 092806 - Copy of JP OA;			
10/31/2006	00862-120527	Krause, John A	Application convention deadline	
Remarks	Filed by CES for CES on 10/23/05			
10/31/2006	00862-135311	Meghinan, John J	Application convention deadline	
Remarks	Filed by canm for JSM 10/17/05			
10/31/2006	03500-015694	Meghinan, John J	Final/Advisory	745
Remarks	FLOPPY RCD W/APPLN;			
10/31/2006	00169-141376	Malpede, Scott D	Application convention deadline	
Remarks	Filed by CES for CES on 10/20/05			
10/31/2006	03500-017112	Malpede, Scott D	FINAL 3 month Office Action initial deadline	823
Remarks	FD RECD W/APPLN; IPT 042406 - Instr;			
10/31/2006	03500-0126516	Malpede, Scott D	Clients filing deadline	
Remarks	Filed by CES for CES on 10/20/05			

10/30 - Act w/Plu

MASTER DOCKET - From 102506 to 111406

Print : 10/20/2006 1:45:33

Page 48

Due Date	Docket Number	Attorney	Action	Application No
10/31/2006	03500.004775.	Didas, Michael J.	Expiry date	217
Remarks	Country of Origin - JAPAN Last Update - 10-20-2004			
10/31/2006	03500.017170.	Didas, Michael J.	2 month Office Action initial deadline	157
Remarks	FD RECD W/APPLN; FEDX 020204 - RE:ASSIGN; IPT 082406 - INSTR;			
10/31/2006	03500.017189.	Didas, Michael J.	Advisory with 1 month extension	324
Remarks	FLOPPY RCD W/APLN; (PicBridge); IPT 090106 - INTERVIEW;			
10/31/2006	03500.018227.	Didas, Michael J.	3 month Office Action initial deadline	538
Remarks	FLOPPY RCD W/APLN; IPT 102006 - INSTR;			
10/31/2006	00366.000215.	Fernandez, Pedro C.	Power of attorney due to be filed	484
Remarks	FAX 083006 - Draft Prelim amend okay;			
10/31/2006	03500.017781.	Gutuck, Daniel S.	3 month Office Action initial deadline	632
Remarks	FLOPPY DISK RECD W/APPLN; amend after final filed 100606;			
10/31/2006	03500.002505.	Didas, Michael J.	3 month Office Action initial deadline	142
Remarks	IPT 080906 - Send OFR; IPT 091406 - Send OFR;			
10/31/2006	00862.021909.	Klock, Brian L.	NI - not to 11/30/06	611
Remarks	1ST RCE FILED 092104;			

Amend by CES in CAS on 10/31/05.

RCE + per 330 by CES in CAS on 10/27/05.

Amend RCE by had in TAM on 10/31/05

RCE by CES in CAS on 10/31/05

Amend by had in TAM on 10/31/05

MASTER DOCKET - From 102506 to 111406

Due Date	Docket Number	Attorney	Action	Application No
----------	---------------	----------	--------	----------------

Reminded - EXT to 11/30/05

10/31/2006	03292-101900	Burshtinsky, Jonathan	3 month Office Action initial deadline	785
------------	--------------	-----------------------	--	-----

10/31/2006	03862-022854	Gire, Frank L	3 month Office Action initial deadline	516
------------	--------------	---------------	--	-----

Remarks

Amend by EPS per FLC/mark on 10/31/05

Remarks

10/31/2006	03560-010910	Gire, Frank L	3 month Office Action initial deadline	775
------------	--------------	---------------	--	-----

Remarks

10/31/2006	00364-000400	Clayton, Ronald A.	Expiry date	275
------------	--------------	--------------------	-------------	-----

Remarks

10/31/2006	03500-004744	Conno, Jeffrey M.	Expiry date	295
------------	--------------	-------------------	-------------	-----

Remarks

10/31/2006	03500-004773.1	Conno, Jeffrey M.	Expiry calculation 2	948
------------	----------------	-------------------	----------------------	-----

Remarks

10/31/2006	00602-022921	Diana, Leonard P	3 month Office Action initial deadline	238
------------	--------------	------------------	--	-----

Remarks

Amend by EPS per CPD on 10/31/05

Remarks

Res. + Reg. new. First to file to be found on by EPS per CPD 10/31/04

Remarks

Amend by EPS per CPD on 10/31/04

Remarks

Amend by EPS per CPD on 10/31/04

Remarks

MASTER DOCKET - From 102506 to 111406

Print : 10/20/2006 1:45:33

Page 46

Due Date	Docket Number	Attorney	Action	Application No
10/30/2006	0076670000767	Vadnais, Donald E.	3-month Office Action 1-month extension	586
Remarks	1.53B CONT - PAR ABAND (REF.001-165320C/EK) ; FAX 083006 - Letter re: IDS; EX 100 to 11/30/06 in Dec/mar on 10/30/06			
10/30/2006	05500010131	Vadnais, Donald E.	Notice to file Missing Parts initial deadline	508
Remarks	IPT 100306 - DECL/ASSIGN; Dec. w/ sw. + seg. listing (papers + CRE) b/ coun in DEUS 10/25/06			
10/30/2006	05748000100	Wannisky, William M.	3-month Office Action 1-month extension	165
Remarks	REMINDER: FOREIGN FILING DUE BEFORE 031005; LastUpdate - 03-10-2005 EXT to 11/30/06 in nww/THM on 10/30/06			
10/30/2006	05500100588	Wannisky, William M.	IDS Due 1 Month	267
Remarks	Floppy recd w/appln; EXT to 11/30/06 in nww/THM 10/30/06 Amend A1E + rest by hand in THM on 10/30/06			
10/30/2006	0550030029993	Wannick, Steven E.	Final 3-month Office Action 1-month extension	367
Remarks	1.53b div; 1.53b div filed 113005; IPT 080406 - pls reupload document; IPT 092806 - INSTR & INTERVIEW; NT- DO. TB 11-30-06			
10/30/2006	03222101300	Wischhusen, Carl D.	3-month Office Action 1-month extension	930
Remarks	See above			
10/30/2006	03222101300	Wischhusen, Carl D.	Drawings Correction Due	930
Remarks				